

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FIVE

THOMAS MAHON,

Plaintiff and Appellant,

v.

COUNTY OF SAN MATEO et al.,

Defendants and Respondents.

A110171

(San Mateo County

Super. Ct. No. 440096)

ORDER MODIFYING OPINION

[NO CHANGE IN JUDGMENT]

THE COURT:

It is ordered that the opinion filed herein on May 18, 2006, be modified as follows:

1. On page 2, in the second sentence of the second full paragraph, the citation to section 53096, subdivision (a) is deleted so the sentence now reads:

“State law, as well as County policy and practice at the time, required such notice. (See §§ 65091, subd. (a)(3), 65905, subd. (b).)”

2. On page 13, in the first sentence of the first full paragraph, the word “affect” is changed to “effect” so the sentence reads:

“The applicant’s burden in giving such notice is minimal, in light of the considerable benefit he obtains in having a permit approved within just 60 days—perhaps before the county’s planning department has completed its review or resolved public concerns—notwithstanding the significant effect his project may have on the community.”

There is no change in the judgment.

Dated: _____

JONES, P.J.